

SALTER P09AUSD3

COMBINED DECLARATION AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Supplemental)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- original
- design
- supplemental (see added page)
- National Stage of PCT
- divisional (see added page)
- continuation
- continuation-in-part (see added page)

INVENTORSHIP IDENTIFICATION

My/our residence, post office address and citizenship is/are as stated below next to my/our name. I/We believe that the named inventor or inventors listed below is/are the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

NASAL CANNULA

SPECIFICATION IDENTIFICATION

The specification of which: (complete (a), (b) or (c))

- (a) is attached hereto.
- (b) was filed on _____ as
 Serial No. _____ or
 Express Mail No. _____ as Serial No. (not yet known) and
was amended on _____ (if applicable).
- (c) was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____
(if any).
- (d) amended on _____

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list names and registration numbers)

Anthony G. M. Davis	Registration No. 27,868
Gary D. Clapp	Registration No. 29,055
Michael J. Bujold	Registration No. 32,018
Scott A. Daniels	Registration No. 42,462

Attached as part of this Declaration and Power of Attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

Send Correspondence to:

Direct Telephone Calls to:
(603) 624-9220

Cust mer N . 020210
Davis & Bujold, P. L. L. C.
Fourth Flo r
500 N. Commercial Street
Manchester, NH 03101-1151

Direct Telefaxes to:
(603) 624-9229

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose to the United States Patent Office all information which is known to be material to patentability of this application as defined in § 1.56 of Title 37 of the Code of Federal Regulations.

PRIORITY CLAIM

I/We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me/us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

■ I/We hereby claim the benefit, under 35 U.S.C. 119(e), of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/045,080	April 29, 1997	

DECLARATION

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: James N. CURTI

Inventor's signature: _____ Date: _____

Residence: 3709 Hartford Court, Bakersfield, CA 93309

Post Office Address: Same as above Country of Citizenship: United States

Full name of second joint inventor: James CHUA

Inventor's signature: _____ Date: _____

Residence: 305 Killdeer Way, Bakersfield, CA 93309

Post Office Address: Same as above Country of Citizenship: United States

Full name of third joint inventor: Peter W. SALTER

Inventor's signature: _____ Date: _____

Residence: 26908 Columbia Way, Tehachapi, CA 93561

Post Office Address: Same as above Country of Citizenship: United States

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR
DIVISIONAL, CONTINUATION, OR CONTINUATION-IN-PART APPLICATION**

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER
35 U.S.C. § 120**

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, informative where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120				
U.S. APPLICATIONS			STATUS (check one)	
U.S. APPLICATIONS	U.S. FILING DATE		Patented	Pending
1. 09/184,111	November 2, 1998		XXXXX	
2. 09/837,720	April 18, 2001			XXXXX
3.				
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLN. NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED		
4. PCT/US98/05573	04/03/1998			XXXXX
5.				
6.				

DECLARATION FOR PATENT APPLICATION

Docket Number)
JWB- 3186

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NASAL CANNULA, the specification of which is attached hereto unless the following box is checked:

was filed on November 2, 1998 as United States Application Number _____
 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Application Number	Country	Day/Month/Year Filed	Priority Not Claimed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Number	Filing Date	(Status -- patented, pending, abandoned)
PCT/US98/05573	03 April 1998	Pending

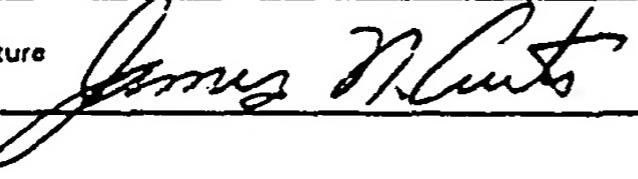
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

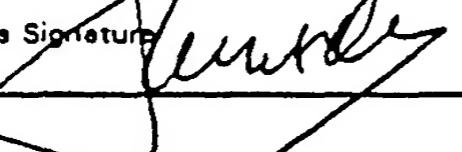
Jerry W. Berkstresser, Reg. No. 22,651
 Charles W. Fallow, Reg. No. 28,946

Address all telephone calls to Jerry W. Berkstresser at telephone number (703) 415-0810.Address all correspondence to Jerry W. Berkstresser at Shoemaker & Mattare, Ltd., Suite 1203, 2001 Jefferson Davis Highway, Arlington, Virginia 22202-0286.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) JAMES N. CURTI	
Inventor's Signature 	Date 12-14-98
Residence 3709 Halford Court, Bakersfield, California 93309	Citizenship U.S.
Post Office Address SAME	

Full name of second joint inventor, if any (given name, family name) JAMES CHUA	
Second Inventor's Signature 	Date 12-14-98
Residence 305 Killdeer Way, Bakersfield, California 93309	Citizenship U.S.
Post Office Address SAME	

Full name of second joint inventor, if any (given name, family name) PETER W. SALTER	
Second Inventor's Signature 	Date 12-14-98
Residence 26908 Columbia Way, Tehachapi, California 93561	Citizenship U.S.
Post Office Address SAME	

**IMPORTANT NOTICE RE
DUTY OF CANDOR AND GOOD FAITH**

The Duty of Disclosure requirements of Section 1.56(a), of Title 27 of the Code of Federal Regulations, are as follows:

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application, and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Patent Office all information they are aware of which is known to be material to patentability of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

By virtue of this regulation, each inventor executing the Declaration for the filing of a patent application acknowledges his/her duty to disclose information of which he/she is aware and which may be material to the examination of the application.

Inherent in this is the duty to disclose any knowledge or belief that the invention:

- (a) was ever known or used in the United States of America before his/her invention thereof;
- (b) was patented or described in any printed publication in any country before his/her invention thereof or more than one year prior to the actual filing date of the United States patent application;
- (c) was in public use or on sale in the United States more than one (1) year prior to the actual filing date of the United States patent application; or
- (d) has been patented or made the subject of inventor's certificate issued before the actual filing date of the United States patent application in any country foreign to the United States on an application filed by him/her or his/her legal representative(s) or assign(s) more than twelve (12) months before the actual filing date in the United States.

NOTE: The "Information" concerned includes, but is not limited to, all published applications and patents, including applicant(s) and assignee(s) own, United States or foreign application(s) and patent(s), as well as any other pertinent prior art known, or which becomes known, to the inventor or his/her representative(s). Where English language equivalents of foreign language documents are known, they should be identified and, when possible, copies supplied. Failure to comply with this requirement may result in a patent issued on the application being held invalid even if the known prior art which is not supplied is material to only one claim of that patent.

If there is any doubt concerning whether or not a citation is "material" to patentability of the application, it is better to err on the side of safety and disclose such art to the United States Patent Office.